

1

2

3

4

5

6

7

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

8

9

LUCIA GONZALEZ, CASE NO. 5:12-cv-02464 EJD

10

ORDER TO SHOW CAUSE

11

Plaintiff(s),

12

v.

13

AMERICA'S WHOLESALE LENDER, et.
al.,

14

Defendant(s).

15

16

17

18

19

20

On May 15, 2012, Plaintiff filed the Complaint underlying this action. See Docket Item No.

21

22

23

24

25

1. A summons for at least one defendant was also issued at that time. See Docket Item No. 3. To date, however, the docket does not contain a proof of service for any defendant, and no defendants have appeared in this action.

26

Rule 4(m) of the Federal Rules of Civil Procedure provides in pertinent part:

27

28

If service of the summons and complaint is not made upon a defendant within 120 days after the filing of the complaint, the court, upon motion or on its own initiative after notice to the plaintiff, shall dismiss the action without prejudice as to that defendant or direct that service be effected within a specified time; provided that if the plaintiff shows good cause for the failure, the court shall extend the time for service for an appropriate period.

29

30

31

32

33

34

The 120-day period for service provided by Rule 4(m) will elapse on September 12, 2012.

35

36

37

38

39

Accordingly, this court issues the instant Order to Show Cause ("OSC") requiring that Plaintiff, **no later than September 25, 2012**, either: (1) file documents to show proof of service of the Summons

1 and Complaint on defendants; or (2) explain in writing why service has not been accomplished. No
2 hearing will be held on the order to show cause unless otherwise ordered by the Court.

3 Plaintiff is notified that the court will dismiss this action if Plaintiff fails to comply with this
4 OSC or otherwise fail to show good cause as directed above. In light of the OSC, the Case
5 Management Conference scheduled for September 7, 2012, is VACATED.

6 **IT IS SO ORDERED.**

7
8 Dated: September 4, 2012


9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

EDWARD J. DAVILA
United States District Judge